

Amendment dated 11/10/05  
Office Action dated 08/10/05

Application No. 10/021,917

### REMARKS

Claims 1, 3-11, 13-24, 26-34, 36-44, and 46-55 are pending with this paper. Claims 1, 3-11, 13-24, 26-34, 36-44, and 46-54 are rejected by this Office Action.

Applicant is amending claims 1, 11, 24, 34, and 44 and is adding claim 55 in this paper.

Applicant acknowledges the withdrawal of the rejections under 35 U.S.C. § 101 of claims 1, 3-11, 13-24, and 26-33.

#### **Claim Objections**

Claim 54 is objected to because of the following informalities: the statutory class of claim 54 does not match that of claim 1, from which it depends.

Applicant is amending claim 54 to be directed to the apparatus of claim 1. Applicant is requesting that the objection to claim 54 be withdrawn.

#### **Claim Rejections – 35 U.S.C. § 102**

Claims 1, 3-11, 13-24, 26-34, 36-44, and 46-54 are rejected under 35 U.S.C. 102(b) as being allegedly being anticipated by “Integer Programming Models for Sales Resource Allocation”, March 1980 (Zoltners).

Regarding claim 1, Applicant is amending claim 1 to include the feature of “determining each profit function from a corresponding demand distribution for a time interval between restocking cycles and a probability that corresponds to inventory replenishment.” (Emphasis added.) The amendment is supported by the specification as originally filed, e.g., page 9, line 18 - page 10, line 30. Zoltners fails to even consider restocking cycles and inventory replenishment. In many cases in business, as discussed in the specification, “inventory is

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replenished as needed over a long period of time.” (Page 9, lines 22-23.) Zoltners merely discloses a sales response that places demands on various resources allocations, which the Office Action alleges to correspond to sales budget, sales representatives, sales calls, time, etc. However, Zoltners does not even suggest the restocking of resources or the replenishment of inventory. Moreover, as will be discussed, claim 55 includes the feature of “wherein the probability corresponds to finding any number of units of an item on a store shelf” Zoltners does not even suggest stocking items on a store shelf to replenish inventory.

Applicant is similarly amending independent claims 11, 24, 34, and 44. Claim 11 includes a processor that accesses the memory to retrieve computer-executable instructions to perform the feature of “determining each profit function from a corresponding demand distribution for a time interval between restocking cycles and a probability that is associated with inventory replenishment.” Claim 24 includes a processor that accesses the memory to retrieve computer-executable instructions to perform the feature of “determining each profit function from a corresponding demand distribution for a time interval between restocking cycles and a probability that is associated with inventory replenishment.” Also, claim 34 includes “a profit-model unit, the profit-model unit being connected to the data unit, and the profit-model unit including executable instructions for determining profit functions for the allocations from the profit data, wherein determining the profit functions includes: determining demand distributions for the allocations from the profit data; and determining each profit function from a corresponding demand distribution for a time interval between restocking cycles and a probability that is associated with inventory replenishment.” Claim 44 includes executable instructions for “determining each profit function from a corresponding demand distribution for a

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time interval between restocking cycles and a probability that is associated with inventory replenishment."

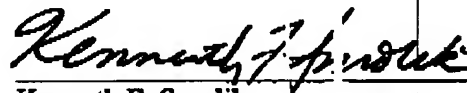
Because claims 3-10 and 54, 13-23, 26-33, 36-43, and 46-53 ultimately depend from claims 1, 11, 24, 34, and 44, respectively, claims 3-10 and 54, 13-23, 26-33, 36-43, and 46-53 are not anticipated for at least the above reasons. For at least the above reasons, the Applicant requests reconsideration of claims 1, 3-11, 13-24, 26-34, 36-44, and 46-54.

### CONCLUSION

Applicant is adding claim 55, which is supported by the specification as originally filed, e.g., page 9, line 18 - page 10, line 30. All objections and rejections have been addressed. Hence, it is respectfully submitted that the present application is in condition for allowance, and a notice to that effect is earnestly solicited.

Respectfully submitted,

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